

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN E. ANDRUS MEMORIAL, INC. (d/b/a ANDRUS
ON HUDSON),

Plaintiff,

-against-

RICHARD F. DAINES, as Commissioner of the New York
State Department of Health,

Defendant.
----- X

2007 Civ. 3432 (CLB)(MDF)

**AFFIRMATION OF
SERVICE**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

BRIAN T. MCGOVERN, an attorney at law of the State of New York affirms,
under penalty of perjury, that:

1) I am not a party to this action, am over 18 years of age and reside in Sea
Cliff, New York.

2) On April 11, 2008, I caused to be served Plaintiff John E. Andrus
Memorial, Inc.'s Notice of Motion for a Preliminary Injunction, Affidavit of Betsy Biddle in
Support of Plaintiff's Motion for a Preliminary Injunction, Memorandum of Law in Support of

Plaintiff's Motion for a Preliminary Injunction, and Proposed Findings of Fact in Support of Plaintiff's Motion for a Preliminary Injunction by sending a true copy thereof via electronic mail to John Gasior, attorney for the defendant.

Dated: April 15, 2008

s/Brian T. McGovern

Brian T. McGovern